

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

BERNARD E. BROOKINS, JR, §
#02232157, §

Plaintiff, §

v. §

DIRECTOR, TDCJ-CID, §

Defendant. §

CIVIL ACTION NO. 4:20-CV-00231-RWS-KPJ

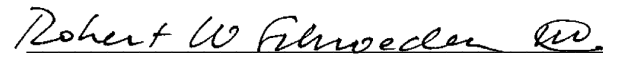
ORDER

Before the Court is the Magistrate Judge’s Report and Recommendation (Docket No. 6), recommending this action be dismissed for failure to prosecute. Plaintiff has filed no objections thereto; accordingly, he is not entitled to de novo review by the undersigned of those findings, conclusions and recommendations, and except upon grounds of plain error, he is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and agrees with it. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants, . . .’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). It is therefore

ORDERED that the petition for writ of habeas corpus (Docket No. 1) is **DISMISSED WITH PREJUDICE** for failure to prosecute.

So ORDERED and SIGNED this 6th day of November, 2020.

A handwritten signature in black ink, reading "Robert W. Schroeder III". The signature is written in a cursive style with a horizontal line underneath the name.

ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE